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BY EMAIL: garth.hopkins@dot.ca.gov; laura.pennebaker@dot.ca.gov;
RTP.Guidelines.Update@dot.ca.gov; ctp@dot.ca.gov

Garth Hopkins, Deputy Director - Transportation Planning
Laura A. Pennebaker, Associate Deputy Director
California Transportation Commission
1120 N Street, MS-52
Sacramento, CA 95814

Priscilla Martinez-Velez, Division of Transportation Planning
MS-32
California Department of Transportation
P.O. Box 942874
Sacramento, CA 94274-0001

RE: Civil Rights and Environmental Justice – Comments on the RTP Guidelines for MPOs, and for RTPAs, and on the CTP Guidelines

Dear Garth, Laura and Priscilla:

At the initial meeting of the Public Health/Active Transportation/Equity Workgroup on July 13, I suggested that the Guidelines should include a chapter on “Civil Rights and Environmental Justice in Regional Transportation Planning,” and I appreciate staff’s invitation to submit draft language. A draft of the new chapter, together with a draft of additional items for the “Checklist,” is attached for your review and incorporation into the next draft of the RTP Guidelines (for both MPOs and RTPAs) and of the CTP Guidelines. While this chapter is written specifically for MPOs, it can readily be adapted for inclusion in all three Guidelines, and this comment is submitted in regard to all three.

By way of background, the 2010 RTP Guidelines (and the July draft) includes less than two pages on the topics of Title VI and Environmental Justice, in sections 2.3 and 4.2 (now broken into two parts, 4.2 and 4.3). On July 17, as an initial set of comments on behalf of 24 organizations (attached), we submitted a set of Principles for the update of the Guidelines. Principle #4 states:

“Social and Racial Justice: The Guidelines should ensure that regional planning fairly and timely meets the needs of low-income and minority communities and populations, while reducing – not worsening – patterns of regional segregation and the risk of displacement. The Guidelines should

promote regional coordination in local planning to “affirmatively further fair housing” opportunities.”

The components of this Principle, as they apply to RTPs and the CTP, are backed by federal and state legal requirements reflected in a multitude of statute, regulations, Executive Orders and federal guidance. The proposed new chapter sets forth those requirements and then separately enumerates best practices in implementing them successfully.

However, I continue to see great value in including the issues that are discussed here in a single comprehensive chapter. The importance of these requirements goes far beyond legal compliance – as important as that is – for two reasons. First, as the U.S. Department of Transportation has emphasized under the leadership of Secretary Anthony Foxx, the primary importance of these requirements lies not in legal enforcement at the end of the process, but in their integration into the planning process from the very beginning, and throughout.

Second, as noted in some of the best practices sections of the proposed chapter, California experience has demonstrated that win-win outcomes result when the needs of traditionally underserved communities and residents are prioritized. We have seen the benefits of investments that meet the needs of those communities and residents both in reducing Greenhouse Gas Emissions and co-pollutants and in addressing the broader needs of our regions.

Accordingly, a strong emphasis on these requirements and best practices can help ensure that our regions and our state tackle a range of other priorities while at the same time confronting the paramount challenges posed by growing segregation, unequal access to opportunity and extreme inequality.

In order to facilitate your review, the proposed chapter is thoroughly footnoted. To ensure its accuracy, earlier drafts of the chapter have been thoroughly vetted by experts in California and nationally, including both academics and practitioners. If length is a concern, it is possible that some of it can appropriately be included in an appendix.

As a next step, I suggest that we schedule a time to discuss once you have had a chance to review the draft. Please let me know when you would like to have that discussion.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Marcantonio', followed by a period.

Richard A. Marcantonio
Public Advocates Inc.

Enclosures: (1) Guidelines Chapter: “Civil Rights and Environmental Justice in Regional Transportation Planning,” (2) New items on civil rights and EJ for the Checklist, (3) Principles to Guide the Update of the RTP Guidelines

Cc: Susan Bransen, CTC (by email)